

FEB 23 2012

JULIA C. D. CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,

) CASE NO. 7:00CR00022

) CASE NO. 7:99CR00048

)

vs.

) FINAL ORDER

)

)

REGINAL MIMMS,

) By: James C. Turk

Defendant.) Senior United States District Judge

)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the defendant's petition for a writ of *audita querela*, pursuant to 28 U.S.C. § 1651(a), is

DISMISSED; the petition is also hereby **CONSTRUED AND DISMISSED** without prejudice as a successive motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, and is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 23rd day of February, 2012.



Senior United States District Judge